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UNCLAS ROME 005749

SIPDIS

MONTREAL PLEASE PASS TO US MISSION TO ICAO

E.O. 12958: N/A

TAGS: [FAIR](#) [ECON](#) [IT](#) [FAA](#) [AVIATION](#)

SUBJECT: CIVAIR: GOI ON EASA AND BILATERAL SAFETY AGREEMENT

REF: A. SECSTATE 267840

[1](#)B. ROME 4579

[1](#)1. This is an action request, please see paragraph 3.

[1](#)2. Embassy received Italian diplomatic note 180/7347, dated December 9, 2003. The note, expected as a follow-up to ref B, includes a letter from the Ministry of Transport, addressing ref A concerns over the implications of the new European Aviation Safety Agency (EASA) for the existing bilateral aviation safety agreement. The GOI proposes to begin the transfer of some safety regulatory authority to EASA, which will require the repeal of portions of the bilateral agreement while ensuring that the agreement itself remains operational. The text of the GOI message is included in paragraph 4.

[1](#)3. ACTION REQUEST: Embassy requests Department approval or disapproval of the modifications outlined by the GOI, so that any objections may be transmitted to appropriate GOI authorities as soon as possible in the new year. END ACTION REQUEST.

[1](#)4. BEGIN TEXT:

Reference is made to the U.S. Bilateral Safety Agreement signed in Rome on 27 October 1999, hereafter called the Agreement, in particular to its provisions related to the notification of significant changes in the aviation safety systems of either party.

The European Community has adopted on 15 July 2002 a European Parliament and Council Regulation on common rules in the field of civil aviation safety and establishing a European Aviation Safety Agency (hereafter called the Agency), which creates Community competence in various fields related to the regulation of civil aviation environmental compatibility. This regulation entered into force on 28 September 2002. It requires the European Commission to adopt rules for its implementation and establishes the Agency to assist the Commission and to execute itself several certification tasks. It finally foresees that the Agency shall undertake these certification tasks from 28 September 2003.

Rules for the implementation on the EASA regulation have been adopted. They cover the certification of aeronautical products and their continued airworthiness, including maintenance. These rules are directly applicable in all Member States and supersede those specified in the Agreement from their date of entry into force on 28 September 2003. As for their implementation, the Agency is in charge of the approval of new designs and the continuing oversight of products currently designed, manufactured and operated by European organizations or persons. The provisions also encompass the approval and oversight of organizations and manufacture and maintenance of products used by European operators.

As a consequence, we thereby notify that:

- from the date of entry into force on 28 September 2003, the applicable requirements for the certification and continuing airworthiness of products covered by the Agreement and Implementation Procedures Airworthiness, are those adopted by the Commission, except for products which are excluded from the scope of the EASA regulation, listed in attachment 1, or whose transfer has been delayed until the Agency has issued their reference type certificate, listed in Attachment 2;

- from 28 September 2003, the Agency shall be the body in charge of the implementation of the provisions of the Agreement, including its implementation procedures, related to:

- the harmonization of requirements for products certification and continued airworthiness;

- the issuance of type certificates to, and the continued airworthiness of products covered by the Agreement, except those listed in Attachments 1 and 2;

- the approval of design changes.

To ensure the necessary continuity of expertise, it has been agreed with the Agency that the certification, continued airworthiness of products and design changes for which Italy

is State of Design under the Agreement, will continue to be ensured on its behalf by the Ente Nazionale per l'Aviazione Civile (ENAC).

If these arrangements meet your consent, the Government of Italy would appreciate the Government of the United States confirmation that you will allow the continuation of the Agreement. To ensure also the compatibility of such continuation with the provisions of Article 9 of the EASA Regulation, confirmation of the Government of the United States, commitment to conduct negotiations with the European Commission with the view to conclude on aviation safety agreement and to implement the associated confidence building programs is necessary. To that end, it shall be understood that entry into force of the provisions of such an agreement would entail the repeal of the relevant provisions of the bilateral agreement between our two countries.

ATTACHMENT 1

Italian products in the U.S. for which Italy will retain the State of Design authority and not transfer to EASA under Article 7.(2) in accordance with the criteria of Annex II of the EASA Regulation.

Aer Pegaso	M100	TCDS No. G6EU
Aeromere	Falco F8L	TCDS No. 7A11
Aeronautica Macchi, SpA AL60 (LASA60)	AL60-B	TCDS No. 7A12
AL60-F5		
AL60-C5		
Aeronautica Macchi, SpA AM3		TCDS No. A19EU
Caproni	Calif A21 Calif A21S	TCDS No. G29EU
Nardi	FN333	TCDS No. 7A5
Procaer	F15/B F15/C	TCDS No. A11N
Procaer	F15/E	TCDS No. A28EU
Sezione Sperimentale Volo a Vela	EC40	TCDS No. G3EU
Piaggio	PD 808/526	TCDS No. A12EU
Silvercraft	SH4	TCDS No. H2EU
Agusta	AB 102 AS-G1/N/1	7H3 H11EU
AERMACCHI	S211A	A86EU

ATTACHMENT 2

Italian products whose transfer to EASA authority is delayed:

General Avia	F20 F22B/C/R	A38EU A75EU
AERMACCHI S208 Serie	A9EU S205 Serie	A9EU
Agusta Marchetti)	S2/0	A25EU (Siai

END TEXT.
SEMBLER

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